

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA
HARRISBURG DIVISION

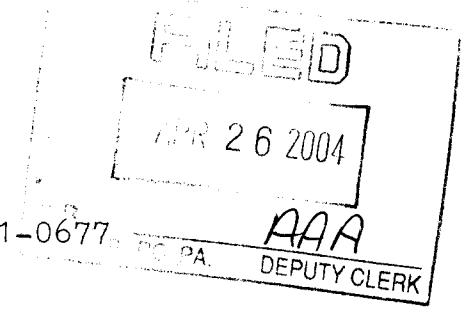
Emanuel T. Newman,
Plaintiff,

-Vs-

Ronald L. Jury, Lt, S.I.S.,
et al.,
Defendant,

Case no. 1:CV-01-0677

(Conner, J.)



PLAINTIFF'S MOTION FOR ORDER ISSUING SUBPOENA DUCES TECUM
FOR WITNESSES TO ATTEND CIVIL TRIAL

Comes Now, Emanuel T. Newman, Plaintiff pro-se (herein-after Newman), and submits this motion to have the court order the issuance of subpoenas.

In support thereof Newman states the following:

On December 4, 2003 the defendants filed their response to plaintiff's motion for an order issuing multiple writs of habeas corpus duces tecum ad testificandum.

On January 6, 2004, this court ordered this plaintiff to follow the instructions of Rule 45 of the F.R.Civ.P., which requires the plaintiff to subpoena alleged staff witnesses employed by the Federal Bureau of Prisons, and pay them a mileage fee of \$40.00 per day.

This plaintiff at once call the clerk of the court in the Middle District of Pennsylvania, and requested the proper procedures for the issuing of subpoenas, and should he file said subpoenas with the clerk's office as instructed by the F.R.Civ.P Rule 45.

I was informed by the clerk that they could not issue my pro-se civil subpoenas, without the court issuing an order for them to do so.

I requested the clerk to tell me what procedure I should follow, I was told she could not do that and that I should write a letter to the para-legal.

I wrote a letter to the para-legal at the United States District court Middle District of Pennsylvania, and to date I have not received any type of reply concerning my request for instructions on the service of subpoenas.

I next contacted attorney David L. Glassman, esq., at the Lewisburg Prison Project, and requested his assistance in the service of the subpoenas.

On the advice of Mr. Glassman I forwarded the subpoenas to his office to be served on the witnesses.


After a number of weeks plaintiff received the enclosed letter along with Mr. Glassman's declaration in which he detailed how the U.S. Attorney rejected his attempt at service, and even though he is not plaintiff's lawyer in this matter, the U.S. Attorney tried the case before him while walking on the compound of U.S.P. Allenwood.

Plaintiff feels it is absolutely necessary for the non-inmate witnesses who he wishes to call to be in court to give their testimony, and to bring the requested documents.

Therefore, plaintiff moves this honorable court to issue an order for the issuance of subpoenas for the following persons:

- 1) Assistant Warden Crig
U.S.P. Allenwood
P.O. BOX 3500
White Deer, Pa 17887
- 2) Robert Farley Captain
U.S.P. Allenwood
P.O. BOX 3500
White Deer, Pa 17887
- 3) Officer B. Manning
U.S.P. Allenwood
P.O. BOX 3500
White Deer, Pa 17887
- 4) Officer D. Couch
U.S.P. Allenwood
P.O. BOX 3500
White Deer, Pa 17887
- 5) George Gallack, Counselor
U.S.P. Allenwood
P.O. Box 3500
White Deer, Pa 17887
- 6) Kelly Kiser, Case manager
U.S.P. Allenwood
P.O. BOX 3500
White Deer, PA 17887
- 7) James Weyand, Doctor
U.S.P. Allenwood
P.O. BOX 3500
White Deer, Pa 17887

Respectfully submitted by,


Emanuel T. Newman
Plaintiff pro-se

Date: April 18, 2004